



BOARD OF BARBERING AND COSMETOLOGY
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
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MEETING OF THE BOARD OF BARBERING AND COSMETOLOGY

MINUTES OF FEBRUARY 27, 2006

BOARD MEMBERS PRESENT:

Dr. Della M. Condon, President
Joe Gonzalez, Vice President
Richard Hedges (via phone)
Bonnie LaChappa
Frank Lloyd
Marlene Gadinis
Angela Reddock
Jerry Tyler
Jerri Ann Walters

STAFF MEMBERS PRESENT:

Kristy Underwood, Executive Officer
Denise Johnson, Assistant Executive Officer
Theresa Rister, Board Analyst

1. Agenda Item #1, CALL TO ORDER/ROLL CALL

Dr. Condon called the meeting to order at 9:00 a.m. She welcomed the audience. The board members introduced themselves and gave a brief background. Dr. Condon introduced Kristy Underwood, the new Executive Officer. Ms. Underwood introduced the staff who were in attendance at the meeting,

2. Agenda Item #2 – STRATEGIC PLANNING

Dr. Condon reported that the Board developed the strategic plan and has been working to complete the projects in the last two years. Nearly every item has been accomplished. She commended the hard work of the staff and the board members. Now is the time to update the new strategic plan for the next two years. Kristy Underwood introduced Travis McCann, from the Department's Strategic Planning Unit. He explained his background, and development of the "Secret Shopper Program." His staff makes phone calls to various boards and agencies to examine their customer service/satisfaction. Customer satisfaction is a key issue in developing the strategic plan, as dictated by the Governor. He presented a background of the

strategic planning process and the state guidelines and requirements. "Strategic planning is creating your desire for the future, based on the best available information." The process begins with pre-planning and gathering data, possibly including surveys and stakeholder analysis. A SWOT analysis is looked at – strengths, weaknesses, opportunities and threats. Key business goals with objectives are then defined, taking the data into consideration. The current strategic plan is also examined, looking at past goals and accomplishments. He provided definitions of key terms including strategic goals, objectives and criteria, and action plan. Mr. McCann recommended the entire board be involved in the process with the assistance of the Executive Officer and other staff.

The Board discussed the methodology they preferred to use. Most agreed the entire board should be involved in the strategic planning process. Conducting a future planning session was discussed.

3. Agenda Item #3, PRESIDENTS REPORT

Dr. Condon asked if anyone wanted to serve as a representative on the committee studying the foot spa issue. Mr. Hedges and Mr. Tyler volunteered to be representatives.

4. Agenda Item #4, ELECTION OF OFFICERS

Mr. Lloyd nominated Mr. Tyler as president. Mr. Gonzalez nominated Dr. Condon as president. Mr. Tyler and Dr. Condon presented their backgrounds, values and future goals.

PUBLIC COMMENT:

Alexander Irving, Esche & Alexander Public Relations, expressed his opinion that "the performance of the Board over the last two years as been disappointing." He believed the legislature agrees with him. He did not feel important issues have been addressed and little has been accomplished. He believed new leadership is needed to make the board more focused.

Ken Williams, school director of Universal College of Beauty, expressed his concern that the Board/industry has not progressed as quickly as it should in making changes. Processes have actually become more cumbersome and roadblocks remain.

A male member of the audience who did not identify himself by name, was a previous long time board member and a school owner. He believed the Board is going backwards and not progressing. Customer service is inadequate. He noted an incident where he and his student have called over 30 times for information with no return call. He expressed his frustration. It's time to make a change in leadership.

Tirzah Jackson, Universal College addressed the board. She asked the Board to make a change in leadership.

Richard Ouellete, of Angles Beauty Care Group, expressed his concern about the Department's/Board's processes being cumbersome and delayed.

Robert Butler, salon owner, addressed the Board. He expressed his concern over lack of response from the Board regarding important issues including testing and citations.

Philip Wilson, an international hairdresser and educator, expressed his concern over the sunset hearing video and the future of the industry. It is time for hairdressers to get involved in the decision making process. Change in leadership is needed.

George Miller addressed the board and believed there is a need for change. The Board is not doing what they were designed to do. The industry needs to be united. He read from his letter to Senator Figueroa.

Male member of the audience, who did not identify himself, expressed his concern over the reciprocity process. He has a lot of experience but may not pass the test due to its variety of questions.

Cari Devlin, a long time professional, expressed her dismay at the delays in students receiving licenses after graduating. They are working behind a desk waiting for their license. It's time to make a change.

Brandon Joseph Friedman, a student, expressed his concern about the delays in testing and licensing.

Everett Lopez felt speeding the process is the biggest issue facing the industry. Things have not improved in the last few years.

A roll call vote was conducted for electing Mr. Tyler president. The vote was 4-5 (Condon, Gonzalez, Hedges, Reddock, LaChappa). A roll call vote was conducted for electing Dr. Condon president. The vote was 5-4 (Gadinis, Lloyd, Tyler, Walters). Dr. Condon was therefore elected President of the Board. She expressed her respect for Mr. Tyler.

Mr. Gonzalez and Mr. Tyler were nominated for the position of vice president.

PUBLIC COMMENT:

Everett Lopez hoped the public comment heard today will encourage the board to move forward.

Yolanda Duran, Licensee addressed the board. She expressed her support for the board and their hard work to support the industry. She also stated how much paperwork the office has to process on a daily basis and more staff needs to be hired. She questioned Mr. Tyler on his view regarding the instructor's license. Dr. Condon noted this is not the time for a debate.

Mr. Gonzalez and Mr. Tyler discussed their backgrounds, values and future goals. A roll call vote was conducted for electing Mr. Tyler vice president. The vote was 4-5 (Condon, Gonzalez, Hedges, LaChappa, Reddock). A roll call vote was conducted for electing Mr.

Gonzalez vice president. The vote was 5-4 (Gadinis, Lloyd, Tyler, Walters). Mr. Gonzalez was thereby elected Vice President.

Ms. Reddock hoped that no matter what members of the public feel, they will continue to stay involved. All agreed the Board needs to work together, despite their feelings.

5. Agenda Item #5, APPROVAL OF MEETING MINUTES

- a. January 5, 2006:
- b. January 30, 2006:

A motion was made and seconded to approve the minutes of January 5, 2006 and January 30, 2006. The motion passed by a 8-0-1 (LaChappa) roll call vote.

6. Agenda Item #6, LEGISLATION AND PROPOSED REGULATIONS

Ms. Underwood, stated no updates or changes are available at this time. Ms. Reddock noted she has been in contact with Assemblywoman Bass and she would like to hear from us. Ms. Underwood noted that we have sent letters to Assemblywoman Bass and to Assemblyman Bermudez, expressing our willingness to work with them on legislation..

7. Agenda Item #7, UNLICENSED ACTIVITY REPORT

Ms. Underwood discussed the report information presented to the board. The staff has recommended that unlicensed activity remain a priority. Staff would like to conduct unlicensed activity sweeps, but it is a costly endeavor. They will research the fiscal impact of the sweeps. Outreach regarding unlicensed activities is also being researched. More staff is needed to place more emphasis on the unlicensed activity. A budget proposal can be justified by the increased workload. Mr. Hedges noted the numbers don't reflect the actual activity. It was noted the inspectors have been concentrating on foot spas and unlicensed activity sweeps have not occurred for a number of years. Mr. Tyler discussed more effective licensing and examination policies, increased consequences, resources toward enforcement. Mr. Gonzales discussed the fraudulent activity of copying licenses and the possibility of using the revenue from the increased fee structure to combat this problem. Ms. Gadinis asked if there was a formula to determine the amount available per inspector. Staff will research this and bring their findings back to the Board. It was agreed the licensing process should not be more encumbered and thus take longer to process. Mr. Hedges asked for a comparison of the number of inspectors over the past few years. Seven new inspectors have been hired in the last year. Dr. Condon suggested a letter be sent to all establishments reminding them of the illegality and penalties for unlicensed activities. Mr. Lloyd also liked the idea of sending a letter. Ms. Underwood recommended placing the letter into the license renewal notice when they are issued, to avoid the mass mailing costs. Ms. Underwood noted public outreach education is increasing. Jerry Tyler noted at a hair show he talked to manufacturers about registering the location of their foot spas. Also, requiring salon owners to be trained in the use and sanitation of foot spas before they are placed in an establishment and then registered. The manufacturers felt these were good ideas. Dr. Condon and the board supported a foot

spa registry. It will also keep track of problems with certain brands. A motion was made and seconded to request additional funding to increase the inspection force to 40 inspectors. The motion passed by a vote of 9-0. However, legal council noted the additional inspectors would have to deal with unlicensed activities only to be passed at this point, as it was not noticed properly that a vote would be taken. The motion was pulled. Another motion was made and seconded for staff to develop funding requirements for additional inspectors and include support staff as well, and bring this agenda item to the next Board meeting.

PUBLIC COMMENT:

A male member of the public suggested the Board ask staff to include the funding requirements for support staff for the additional inspectors so the licensing process does not fall further behind.

The motion was passed by a 9-0 roll call vote.

8. Agenda Item #8, WORKLOAD STATISTICS

Ms. Underwood reported on the workload statistics as of January 31, 2006. She noted the licensing unit is being reorganized; there are a few vacant positions. The reporting of the statistics is also being revamped to make them clearer and more precise. They will be implemented by the next board meeting. Backlogs are being reduced. Phone calls are also being answered and returned more promptly, due to reorganizing staff. However, to keep up, the licensing staff needs to be increased. Funding has been requested to add 4 positions. The preapplication process and time table were discussed. Mr. Tyler noted the Board is required by law to examine any pre-applicant graduate within ten days of completion. Dr. Condon noted it is important to include this concern in the strategic plan.

(15 MINUTE BREAK)

9. Agenda Item #9, UPDATE ON SUNSET REVIEW

Ms. Underwood reported at this point the Department will make their recommendations to the Sunset Review Committee by the end of March. Final hearings will be held thereafter. Mr. Gonzalez brought the Board's attention to the DCA committee report of December 6, 2005, page 5 and the meeting minutes of the working group of footspa safety. He noted this Board was informed of the meeting only one to two days prior to the meeting, even though they were directed to be included. He questioned if this was a legal meeting because of inappropriate public notice. He requested the Board's Executive Officer to draft a letter to the DCA Director, with a cc to the Governor, sharing their disappointment for not providing a timely notice. Mr. Tyler was also concerned that there was no Board representation on the working group. He recommended someone be assigned to attend the group, and ask for information on their meetings. Ms. Underwood was requested to draft a letter regarding the actions of the DCA working group. Legal council noted board staff was represented at the working group meeting and did provide input. He did not feel any Board members were ignored on purpose. Antonette Sorrick, Deputy Director of DCA recommended contacting the DCA working group

personally to pass along the Board's requests. However, the Board also felt a letter was appropriate.

10. Agenda Item #10, DISCUSSION ON TATTOOING AND PERMANENT MAKE-UP

The Board discussed the need for oversight on tattooing and permanent makeup facilities. Dr. Condon reported on her visit to a salon to learn about the processes. Ms. Gadinis noted this is a growing industry and specific regulations are needed. Mr. Hedges recalled the controversy regarding lip enhancements being performed at salons. Serious infection is possible. Mr. Hedges recommending checking with the medical board to see if they have any regulations. Mr. Lloyd was unaware that tattooing was regulated by the county health department. Dr. Condon recommended the curriculum task force look closely at this issue. Ms. Gadinis recommended a survey or study be commenced. Mr. Hedges and Mr. Lloyd recommended it be included in the strategic planning process to develop more specific steps in resolving the concerns regarding this issue. The Board agreed.

PUBLIC COMMENT

Yolanda Duran, industry member relayed her experience applying permanent makeup. She stated a license is not required, and the regulations are not clear. Manufacturers are going into schools and telling the students it is okay to perform unregulated activities, such as utilizing needles.

Dr. Condon asked staff to pot together a curriculum process to identify new areas that the industry is doing.

11. Agenda Item #11, UPDATE ON REVIEW OF ADMINISTRATIVE FINE SCHEDULE

Staff reported the review of the administrative fine schedule is moving forward. Board members were asked if they wanted to be members of the task force. Mr. Gonzalez and Mr. Hedges volunteered, and they will attend the next scheduled meeting.

12. Agenda Item #12, UPDATE ON COMPUTER BASED TESTING REQUEST FOR PROPOSAL

Bids have been submitted on the RFP. The reviewers are going through written documents form various vendors and making sure they address everything in the RFP. At this point, staff does not know any details about the vendors as the process is just beginning and is confidential. The new vendor is expected to be in place by November. Staff explained the process to the new board members. The past problems with the current vendor were also discussed. Mr. Lloyd wants documentation on all of the problems. Ms. Underwood states we have put existing requirements and new requirements to the vendor

13. Agenda Item #13, UPDATE ON APPRENTICE REFORMS

Staff presented the language for the apprentice reforms. The regulatory process will have to be followed to move the reforms forward. The hearing is scheduled for April 24th. A motion was made and seconded to accept the proposed language as presented by staff. Mr. Tyler gave an overview of the multi-location. Every time we move an apprentice to another location it becomes licensing issue. The issues of transferring and ratio were discussed. It was felt apprentices need consistency. Mr. Hedges recommended talking to the inspection team to see how if the reforms can be enforced. After a thorough discussion, it was voted 9-0 to approve the motion.

14. Agenda Item #14, AGENDA ITEMS FOR NEXT MEETING

Report from DCA; new trends in the industry; executive officer's report of standing items; Barber Validation Report; detailed explanation of the sunset process; inspection staff; Re-instatement Hearings; National Exams; and Apprentice Hearings

Legal council confirmed other members of the board may attend the Licensing and Exam Committee meeting but they may not participate. One-on-one contact is allowed to provide information prior to the meeting.

15. Agenda Item #15, PUBLIC COMMENT

Antonette Sorrick, , Deputy Director of DCA announced the next working group meeting will be held on March 15th at 9:30 a.m. at the Department of Consumer Affairs headquarters location. She provided the address. Two members will attend.

Nadine Bruders, California Hair Design thanked all board members for attending the meeting. She expressed her concerns about out-of-state students waiting a long time (6-8 months) for their licenses; a long delay in scheduling tests; more inspectors but need to concentrate on schools and salons that have received complaints; stop fighting with the DCA, work together.

Yolanda Duran, Industry member commented on the pre application of 1200 hours. She asked if there was any follow up when the application is submitted. She is finding complications with the paperwork. She expressed her concerns about testing procedures; the apprentice ratio; instructors license. Mr. Gonzalez asked Ms. Underwood for a listing of all schools inspected in the last year.

16. Agenda Item #16, ADJOURNMENT

There being no further business, the meeting was adjourned.